

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DENNIS FUSARO,)
v.)
EMMET C. DAVITT, *et al.*,)
Plaintiff,)
Defendants.)
)

) Civil Action No. 17-cv-03582-ELH
Hon. Ellen L. Hollander

FIRST VERIFIED SUPPLEMENTAL COMPLAINT

Plaintiff Dennis Fusaro, by his attorneys Stephen Klein and Benjamin Barr of the Pillar of Law Institute and John Garza of the Garza Law Firm, respectfully brings this supplemental complaint and complains as follows:

INTRODUCTION

1. Paragraphs 1 through 3 of the Verified Complaint for Declaratory and Injunctive Relief, Dkt. 1 (the “Complaint”), with paragraph numbers, are adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

3.1 Fusaro would also like to share details of his appellate victory in this matter, *Fusaro v. Cogan*, 930 F.3d 241 (4th Cir. 2019) and, due to the resignation of State Prosecutor Davitt, encourage Marylanders to “send a message to Davitt’s replacement” to uphold his or her oath of office.

3.2 Fusaro would do this via U.S. mail with letters addressed to certain Maryland registered voters, drawing from Maryland’s registered voter list. *See, e.g.*, **Exhibit E**.

4. Paragraphs 4 through 6 of the Complaint, with paragraph numbers, are adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

JURISDICTION AND VENUE

7. Paragraphs 7 through 9 of the Complaint, with paragraph numbers, are adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

PARTIES

9. Paragraphs 9 through 15 of the Complaint, with paragraph numbers, are adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

STATEMENT OF FACTS

16. Paragraphs 16 through 20 of the Complaint, with paragraph numbers, are adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

20.1. Another letter Fusaro would like to send would inform Maryland registered voters of the appellate ruling in *Fusaro v. Cogan*, 930 F.3d 241 (4th Cir. 2019) and, because State Prosecutor Davitt is no longer in office, broadly encourage recipients to “send a message” to the new State Prosecutor to stay true to constitutional principles. *See Exhibit E.*

21. Paragraphs 21 through 26 of the Complaint, with paragraph numbers, are adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

COUNT I

The Maryland Registered Voter Requirement in E.L. § 3-506(a)(1) is Unconstitutional Under the First and Fourteenth Amendments

27. Paragraphs 27 through 33 of the Complaint, with paragraph numbers, are adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

COUNT II

Limiting the Use of the List of Registered Voters to Purposes “Related to the Electoral Process” in E.L. § 3-506(a)(1), (c) is Unconstitutional Under the First and Fourteenth Amendments

34. Paragraphs 34 through 40 of the Complaint, with paragraph numbers, are adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

PRAYER FOR RELIEF

Wherefore, Dennis Fusaro prays for the following relief:

1. A declaratory judgment that the Maryland registered voter requirement in E.L. § 3-506(a)(1) is unconstitutional.
2. A declaratory judgment that limiting the use of the list of registered voters to purposes “related to the electoral process” in E.L. § 3-506(a)(1) and (c) is unconstitutional. Alternatively, a declaratory judgment that the term “related to the electoral process” is unconstitutionally vague facially and as applied to Fusaro’s speech.
3. Preliminary and permanent injunctive relief pursuant to 42 U.S.C. § 1983 against enforcement of the Maryland registered voter requirement or the limitation of using a list for purposes “related to the electoral process” in E.L. § 3-506(a)(1) and (c).
4. Plaintiff’s reasonable costs and attorneys’ fees pursuant to 42 U.S.C. § 1988, or any applicable statute or authority, and further relief this Court may grant in its discretion
5. Any other relief that the Court deems just and appropriate.

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Respectfully submitted,

DENNIS FUSARO

By his attorneys,

/s/ Stephen R. Klein

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Dated this 10th day of September, 2019.

DENNIS FUSARO VERIFICATION

I, Dennis Fusaro, declare as follows:

1. I reside at 242 Brunswick Rd., Stephens City, VA 22655.
2. I have personal knowledge of my activities, including those set out in this Verified Supplemental Complaint, and if called upon to testify I would competently testify as to the matters stated herein.
3. I verify under penalty of perjury under the laws of the United States of America that the factual statements contained in this Verified Supplemental Complaint concerning my existing and proposed activities are true and correct.

Executed on August 23, 2019.



Dennis Fusaro